

MINUTES (as amended)
CHARTER REVISION COMMISSION

March 27, 2008

I CALL TO ORDER

Commissioner Bafundo called the March 27, 2008 meeting of the Charter Revision Commission to order at 6:34pm in the Helen Nelson Room of the Newington Town Hall.

II PLEDGE OF ALLEGIANCE

III ROLL CALL

Commissioners Present

Commissioner Bafundo, Chair
Commissioner Boni
Commissioner Boorman
Commissioner Briggaman
Commissioner Nafis

Staff Present

Lori Verreault, Executive Assistant

IV PUBLIC PARTICIPATION - none

V MINUTES

A 3-13-08 Meeting

The Commissioners agreed by consensus to table the approval of the minutes of the 3-13-08 meeting in order to give all Commissioners time to review the minutes.

VI MATTERS TO BE CONSIDERED

A Former Town Manager Paul Fetherston

Former Town Manager Fetherston addressed the Commission with his suggestions and concerns regarding the Charter based on his experience. He noted that the Charter has not been open for revision since 1992, and recommended that the Commission incorporate a requirement that the Charter is considered for revision at least every five years. He stated that Charter revision is a very important process. Mr. Fetherston stated that he has a great amount of respect for the forefathers of Newington as the Charter was a very strong document when it was adopted, and it remains a strong document today. He stated that any changes to this visionary document should be done with care. Mr. Fetherston stated that Newington is well known for its commitment to professionalism and encouraged the Commission to continue with that commitment. Mr. Fetherston outlined his concerns and suggestions regarding the Charter:

- Fire Department – look at the role of the Board of Fire Commissioners, particularly with regard to shifting the responsibility of the Fire Department's supervision to the Town Manager. This does not necessarily entail eliminating the Board of Fire Commissioners.
- Library Board of Trustees – the appointment and removal of the Library Director currently requires the concurrence of the Library Board; consider shifting the role of appointing the Library Director to the Town Manager with the consultation of the Board, not the concurrence of the Board.
- Board of Parks and Recreation– same as the Library Board; look at the possibility of shifting the role of Superintendent to the Town Manager's appointment with the consultation of the Board, not the concurrence of the Board. Look in to the membership of the Board; it is very large at eleven members which can create difficulties.
- Town Treasurer –a reference to the past, look in to whether the Town would be better served by shifting that function to the Finance Director. Several area municipalities do have the Finance Director serve as the Town Treasurer.
- Town ~~Manager~~ **Planner**– currently an appointment of the Town Council, which opens the door to politicization to the professional position of the Town ~~Manager~~ **Planner**. Consider making the appointment of the Town ~~Manager~~ **Planner** in consultation with the Town Council. *(Corrected by PJF)*
- Dog Warden – currently, the Police Chief appoints and removes the Dog Warden; consider shifting the appointment/removal of that position to the Town Manager provided such a shift is in accordance with State law.
- Revenue Collector – currently required to be an elector of the Town, consider removing that requirement in order to focus on the professionalism of that position.
- Bonds – review limits of bonds and notes; current limits are somewhat low.
- Special Appropriations – review the limits, may also be somewhat low.
- Automatic Referendum – if the Commission should move in the direction of automatic referendum it is strongly suggested that the Commission consider having a minimum requirement for referendum turnout and to limit the number of referenda.
- Competitive Bidding – consider setting up a process for the Council to determine the limits and establishment of the purchasing procedures
- Town Attorney – consider changing the Charter language so that a firm can be considered for the position of Town Attorney, not just an individual. Many communities are appointing firms rather than individuals as their Town Attorney.
- Board of Education – consider adding a provision, if it is not in conflict with State Statute, in which the Board of Education does not have the right without specific authorization to appoint an attorney in regards to any legal matter
- Affirmative Votes, Town Council – the Charter currently does not allow any vote on any item other than adjournment or place and time of a meeting to occur without five affirmative votes. Consider reviewing this item as it could allow individuals and/or parties to stall progress or action.
- Acting Town Manager – the Charter currently provides the Town Manager the authority to designate an acting Town Manager. Consider a limit to the amount of time that the Town Manager can put in place an acting Town Manager.
- Consecutive Terms as Chair – review current requirements that limit the service of a board or commission chair to two consecutive terms.
- Department of Building Inspection – the Charter currently states that the Building Official shall be the Administrative Officer for the TPZ and ZBA until the Council determines otherwise. Consider changing the Charter to reflect that the Building Official has not been the Administrative Officer for several years.
- Senior Center – The Charter specifically refers to the overall administration of the Joseph P. Doyle Complex, consider changing language so that the Charter is not tied to that specific complex should the location of the Senior Center move in the future.
- Finance Department – The Charter currently refers to the Purchasing Agent as part of the Finance Department, consider changing the language as the Purchasing Agent is not currently supervised by the Finance Department.

Question and answer session followed. Commissioner Boorman noted that several of Mr. Fetherston's opinions were relative to his historical duties as the Town Manager, and noted Mr. Fetherston's opinion that the Commission should have great deference for the decisions of the Town's forefathers and mothers who created the first Charter. Commissioner Boorman stated that in his understanding those forefathers decided that the Town operates under a representative democracy and that there are provisions in the Charter which gives the Town Council a certain purview over certain areas such as the budget. He stated that the Town does not allow for a budget referendum because of that purview given to the Council and asked how that worked during Mr. Fetherston's time as Town Manager. Mr. Fetherston replied that he has great respect for the Charter as a visionary document which decided that the Town Manager's position would serve a very specific function and at the same time the Town Council would be very representative and in control of a lot of things. He stated that the idea was that if the voters did not like how Council members acted on certain items they could vote to remove those Councilors at the next election. He stated that such a setup has served its function because someone needs to make the very difficult decisions for the community, and the Charter gives the Council and the Mayor the ability to make such decisions. He stated that the more that the ability to make these decisions is removed from the Town Council the more the representative form of government is eroded. Commissioner Boorman asked Mr. Fetherston to comment on how he feels a budget referendum would affect the employees of the Town - specifically department heads or key persons that might be subject to a situation in which the budgetary cycle faced uncertainty. Mr. Fetherston replied that when a Town Manager is considering whether or not to serve a community one of the first items considered is the community's budget process; the more layers involved the more concern a potential Town Manager would have about moving to the community because there are a lot of important decisions that are left up in the air rather than left to a responsible entity. Mr. Fetherston stated that having a budget referendum may limit the ability to recruit Town Managers or department heads. He stated that a referendum delays the process until May or June of each year and creates uncertainty about mill rates and the community's ability to plan for the future.

Commissioner Boorman spoke about the recommendation regarding the Town Manager functioning as the managerial aspect of the Fire Department in the place of the Board of Fire Commissioners. He noted that the Board of Fire Commissioners currently serves a purpose in that it is the last area for appeal in terms of personnel issues. Commissioner Boorman asked whether a substantive change to that hierarchy would affect the rank and file in terms of their vigor to be volunteer firefighters and inquired whether the cost of doing so would jeopardize the Town's ability to be successful in continuing to have a volunteer fire department. Mr. Fetherston replied that the decision of whether or not the Board of Fire Commissioners should continue to exist is clearly up to the policy makers, but stated that the Fire Department is one of the most important and most costly departments in the Town and as such the organization and management of the Fire Department should lie with a professional. He stated that doing so could have an impact on volunteerism, but as with any organization there will be times when the group is going to want a political body to make a decision and there will be times when they want a professional to make a decision. He stated that the ultimate position of the Fire Department is to serve in the best interest of and provide public safety for the community. He also stated that within the next ten years there will need to be a regional solution to volunteer firefighting in Connecticut. Commissioner Boorman remarked that based on Mr. Fetherston's comments the switch to professional management might have a positive effect on the rank and file because of the professional aspect to the review policy going through the Town Manager rather than an elected body. Mr. Fetherston agreed. Commissioner Boorman asked Mr. Fetherston for his opinion regarding staggered terms for the Town Council and the Board of Education. Mr. Fetherston replied that a benefit of a staggered tenure could be that it provides more continuity than having a wholesale change every two or four years. He stated that a downside is that the voters may want a wholesale change every two or four years depending on how well or poorly the elected body is performing. Commissioner Nafis asked what would happen to the minority representation in the event of staggered terms, as it could get very confusing. Mr. Fetherston agreed. Commissioner Boorman stated that minority representation would need to be considered if staggered terms are considered. The Commission thanked Mr. Fetherston for his time.

B Former Mayor William Reynolds

Former Mayor Reynolds gave a background of his involvement with charter revision as a consultant to local governments and as a member of the Connecticut Public Expenditure Council in the late 1950s. He stated

that it was a very important time in local government as the Home Rule law caused a great number of municipalities to look at their form of government. Mr. Reynolds stated that it was his job to work with various towns' Charter Commissions on building their Charters and deciding what kind of government to institute. He stated that the position of this current Commission is to provide a tune-up to Newington's Charter. He stated that the Charter is a very strong document that needs some language changes to update it to current times. He stated that the first Charter of the Town came about because there was a realization that the Town could not make decisions under the Selectman/Town Meeting form of government. Mr. Reynolds stated that there were early versions of the Charter, including one that called for a strong mayor form of government, which were rejected prior to the approval of this Charter which established a representative form of government in which each member of the Town Council, including the Mayor, receives only one vote. Mr. Reynolds outlined his suggestions and areas of concern regarding the current Charter:

- Budget Referendum – the concept of referendum throws out the concept of representative town government. The budget is not a budget until it is adopted; until it is adopted it is just a request for an appropriation. One major concern with a referendum is that decisions are made by voters. Not all voters are taxpayers and not all taxpayers are voters, a concept which should be of concern to the Chamber of Commerce (see Public Participation of 5/8/08 meeting for clarification).
- District Representation on the Town Council – present districts are merely voting districts and there is no attempt to balance the number of voters in each district. Going to district representation will result in uneven representation and will open up the necessity of frequent redistricting.
- Salary for the Mayor – if the Mayor or Council members are given a salary it will create pressure to vote towards what will keep their salaries rather than what is best for the community. The Council and the Mayor are elected to do what is fair and right for the Town.
- Terms of Committees – the current Charter does not address the mass resignations that occur with a change in government. Someone who has been appointed to a four year term should serve the entire term. Not to do so is a disservice to the community.
- Role of the Mayor – according to the Charter and the intention of the founding fathers, the role of the Mayor is to be the presiding officer of the Council and to work with the Councilors to arrive at acceptable compromises on the issues. There should be open and sincere debate about all issues, and no one member of a board, Councilor or Mayor, should dictate an answer to an issue.

Question and answer session: none. The Commissioners thanked Mr. Reynolds for his time.

C Former Mayor Robert Randich

Former Mayor Randich stated that the Charter is a good document that has served the Town well. He stated that the spirit behind the Charter, representative government, has been especially beneficial to the Town and has been a system by which innumerable problems have been resolved over the years. He stated that there has never been a crisis under the current Charter that has prevented the Town from entering a new year without a budget in place and there has never been a dispute that has prevented action on a critical item of the Town's operation from moving forward. He stated that the Charter should be reviewed every so often, perhaps every ten years, if for no reason other than to provide updates to the financial aspects of the Charter. Judge Randich outlined his suggestions and areas of concern regarding the current Charter:

- Town Planner – there is no reason why the Town Council should have the authority to hire or fire the Town Planner.
- Board of Parks and Recreation – the Commission should think theoretically and carefully about how boards and commissions work. It may not be a bad thing to require the consent of the Board of Parks and Recreation to appoint a Director of Parks and Recreation.
- Budget Referendum – the Commission should think very hard about a budget referendum. It is not a good idea to emasculate the Town Council by ripping the budget decisions out of their hands, particularly in the case of an automatic referendum. In a sense there is already a budget referendum every two years – the election. If the members of the Council do not act in a manner that reflects the will of the people they will hear about it in November. If the Town does move in the position of a budget referendum such referendum should be only upon petition. There are two extremes among

voters, those who do not want to pay any taxes and believe that Town government should disappear, and those who do not care about tax bills, and believe that every dollar raised is for the Town's good. The mass of the voters fall between these two extremes and a petition requiring a minimum amount of voters should be required to prevent one small group of people from forcing the issue of referendum. 5-10% of registered voters would be a reasonable number required to force a referendum, and a minimum amount of voter turnout should be required for a referendum. The Commission should question the value of a referendum if only a small number of voters will participate. An automatic referendum without parameters is the worst situation because it emasculates the Council, reduces amount of care put into the budget by the Council, and goes completely against the ideas set forth in the Charter.

Question and answer session followed. Commissioner Nafis inquired as to whether Judge Randich's comments regarding the Board of Parks and Recreation allowing the consent on the Director apply to other departments such as Planning and Zoning, Conservation and others. Judge Randich replied that he would not suggest this for departments in which expertise is involved in the discharge of the duties. He stated that the Board of Parks and Recreation is not an overly complicated situation and some simple communication would have avoided the situation that developed a few years ago. Commissioner Nafis stated that some would disagree that the Board of Parks and Recreation is not a complicated position. Judge Randich stated that these items were put in the Charter for a reason and serious thought should be given before changing these items.

Commissioner Boorman asked Judge Randich to give his insight from his fourteen years of experience as to what the Town Council goes through during the budget process, including their preparation, participation, amount of time and amount of information that must be understood in order to formulate a package that makes sense. Judge Randich replied that the budget process is a lot of work and the work starts before the Council receives the budget. He outlined some of the components of the budget process from the Council's standpoint:

- Keep informed of the progress of the Board of Education's budget
- Receipt and departmental review of the Town's budget
- Understanding the budget and negotiations between the parties to achieve a resolution going forward
- Public hearings and cut sessions which can be time consuming
- An intensive period of time is involved with the budget process. It has been streamlined over the years but is still an extensive process and is the Charter's idea of representative government

The Commission thanked Judge Randich for his time.

D Former Mayor Tom McBride

Former Mayor McBride stated that the reason that the Charter has not been reviewed in sixteen years is because it is a difficult exercise. He commended the Commission for taking the time to complete the task. Mr. McBride stated that the Charter has always been considered a sacred document and in his experience as a public servant in various towns he has found that Newington's Charter is one of the best. He stated that a true Charter revision entails a page by page review of the document and it is something that must be reviewed very carefully, particularly in some of the technical aspects of the Charter language. Mr. McBride stated that there are some common sense items that must be considered in addition to the technical aspects.

Mr. McBride spoke about the concept of budget referendum. He stated that there is nothing that he has accomplished during his years as a public servant as important as crafting a budget for a community. He stated that in his view it is the biggest responsibility of any elected body. He stated that the time consumption itself is incredible as is the tremendous amount of research that goes into the budget process. Mr. McBride stated that the best part of the process is when all parties involved come to a compromise at the end, and while not everyone is happy with the end result the majority of the elected officials are satisfied. He stated that the average citizen will not have the time and patience to do what Town government leaders are elected to do during the budget process. He stated that he does not know whether going to referendum is the right thing to do, but stated that once an official is elected it is their responsibility to govern and to make

correct decisions for the community. He noted that one of the biggest decisions is to put together a budget that meets the needs of the people.

Question and answer session – none. The Commission thanked Mr. McBride for his time.

E Former Mayor Rodney B. Mortensen

Former Mayor Mortensen thanked the Commission for the opportunity to speak, and recognized former Mayor Reynolds for his pioneering work on Charter concepts. Mr. Mortensen noted that he has a unique perspective on Charter review given his history with the Town and outlined his suggestions and concerns regarding the current Charter:

- Length between revisions – it has been too long since the last Charter review. Consider adding a required maximum time period between reviews – perhaps ten years.
- Stipends for Councilors – current Charter language states that any expenses incurred by members of the Town Council as part of their duties shall be reimbursed by the Town. He has never been reimbursed for any expense for the duration of his service to the Town, nor has he ever requested reimbursement. Times have changed, the budget has changed and the population has changed and when people have a problem they don't want to speak to the Town Manager, they want to speak to the Mayor. The Mayor acts as a catalyst through the Town Manager and the department heads and there are many more requirements from the people to the Mayor than there are from the people to the Council. He stated that there is a position in the Charter for an Assistant Town Manager but such a position will not help when the people want to talk to the Mayor. There has been a change in the feedback from voters and a change in the Town's demographic. The Town is currently considering a pay-per call program for the Fire Department and should consider the same for the Volunteer Ambulance. The Town should also consider a stipend for Councilors to help offset the time and expenses incurred by the Councilors.
- Budget Referendum - There is good and bad within the idea of budget referendum, but what could be more representative than allowing the Town's residents to have a higher degree of control over their fate? People may not spend the time that the Councilors spend on researching the budget line by line, but they will show interest in the overall direction of the community in terms of services and expenses. The Town does not lose the representative form of government with the budget referendum. One of the biggest complaints in recent years is that people's opinions are not heard. The budget referendum should come with major restraints and parameters to avoid the process stretching too far for a long length of time. Constructed properly, the referendum is not a bad idea. For the first few years the Town will likely see a reduction in areas until residents decide that the Town should grow or spend a little more. Anything that gets people more involved in having a say in the government is a good thing.
- Board of Education – there have been concerns with the Board of Education members being in effect appointed rather than elected because only one candidate who runs for the Board loses the election. This should be looked at by the Commission.

Question and answer session followed. Commissioner Briggaman inquired about how to resolve the issue with the Board of Education and whether the answer would be to increase the number of candidates who run for the Board or to limit the number of people who are elected. Mr. Mortensen stated that the current system does not give the public the opportunity to take care of disagreements with the elected Board by voting them out. He stated that overall all political parties have historically tried to do what is best for the Town which is why the Town has remained on an even keel over the years. He stated that it is something for the Commission to consider, and that obtaining a more representative form of voting for the members of the Board would be a good idea.

Commissioner Boorman asked whether Mr. Mortensen would be in favor of an automatic referendum. Mr. Mortensen replied that he would not be in favor of an automatic referendum and that the guidelines for a referendum should be as such not to allow the process to drag out and should allow the public the opportunity to have a voice. Commissioner Boorman stated that a former speaker indicated that, in effect, the Town has a referendum every two years by way of elections and inquired whether the fact that the Town holds elections every two years served as an opportunity for voters to voice their opinions on a variety of

issues. Mr. Mortensen replied that what happened in the last election was a representative act by the voters but there were many other factors involved besides the 3% pledge. Commissioner Boorman inquired whether the last election reflected the fact that elections every two years are a great barometer as to what happens in terms of the community and gives the voters the opportunity to create a clean slate every two years. He asked why an annual budget vote is more significant than an election every two years in terms of that ability. Mr. Mortensen asked how often has what happened in the last election occurred in any town. Commissioner Boorman stated that there is no way to truly know what an election means in terms of why people voted the way they did, and that the results can be interpreted in many ways. He asked whether that is an indication that the system works. Mr. Mortensen stated that it works to a degree, but that it works to less of a degree than it could if people in the right structure have the opportunity to vote on a budget. Commissioner Boorman asked whether Mr. Mortensen has any concerns as to the cost the referendum. Mr. Mortensen replied that he does not have any concerns; it is the cost of doing business.

The Commission thanked Mr. Mortensen for his time.

F Mayor Jeff Wright

Mayor Wright stated his appreciation to the Commissioners for their service. He outlined his suggestions and concerns regarding the current Charter:

- Charter revision is not looked at very often because the Town has a very good Charter which sets forward very good standards for the operation of the Town. Many of the changes will be technical in nature and most are non-controversial.
- Town Planner – the Town Planner should not be hired and fired at the will of the Council because the position should not be subject to political influence. It would be a good idea to move the supervision of the Town Planner to the Town Manager.
- Town Treasurer – Consider looking into the idea of having the Town Manager have a dual title of Town Treasurer, given the fact that the Treasurer does not put in many hours a week. It is a way to save tax dollars and to take some political influence away from the position.
- Charter Revision Process – consider streamlining the process of future Charter revisions as the current process has become too overwhelming and it may be difficult to find future volunteers to make the commitment to the time and effort involved with Charter revision.
- Budget Referendum – The budget referendum was a part of the Republicans' platform during the last election. It is too common that politicians do not deliver on their promises and it is the party's intention to deliver on the promises made during the election and to give the people the opportunity to vote whether or not to have a budget referendum. The process of the Charter revision will go back to public hearing, back to the Commission, to the Council for approval and ultimately back to the public for a vote – the ultimate in representative government. There has been a concern about the cost of additional budget referendums. The Commission should try to get the Charter revisions on the November ballot. There was an overwhelming feeling of helplessness and concern over taxes among voters during the campaign. There needs to be a counterbalance, and it is time to try to do things a different way. The Charter can always be changed again if it is found that the budget referendum does not work in the best interest of the Town. Recommendations for the budget referendum:
 - Automatic annual budget referendum, timed within the confines of the law while allowing the Council enough time to finish the budget. The first Tuesday in May would be the ideal time for the vote.
 - There should be a limit of two budget referendums per year
 - If the budget does not pass after the second referendum, the budget will automatically pass with an increase of 3% (the historic rate of inflation across the United States since 1925) or the mill rate will be increased a certain percent.
 - The Town Council and Board of Education would have to work within that 3% increase in the event that the second referendum fails. This creates a long-term property tax cap unless the politicians are able to sell the idea of a greater increase to the voters. This places an added responsibility back to the Council and the Mayor since the idea of an increase greater than 3% will need to be sold to the public.

There are about 17,000 registered voters in the Town of Newington, and the amount of people that turn out to vote swings depending on the election year. During municipal election years the Town averages about 40% voter turnout, but during a Presidential election the Town averages 82-85% voter turnout. It is the voter's right and responsibility to go out and vote and if a person chooses not to exercise that right then the vote must not mean too much to that person. If only 20% of registered voters participate in a budget referendum there would be a total of 3,400 people voting on the budget. 3,400 votes are still more than nine votes. Residents are not expected to know every detail of the budget. Different people approach the budget in different ways and it is a person's right to learn however much they wish to learn about the budget. Major concerns and objections about the budget referendum can be addressed by limiting the number of annual referendums to two, and by putting a cap on the expenditures in the event of a second failed referendum.

- Bonding – the current number is very low and does not make sense. Consider raising the threshold significantly, especially considering the current interest rate environment where a municipality can theoretically bond for about 4%. Additionally, the cost of large investments should be spread out over a number of years, even towards the full life expectancy of that project. Consider pushing the bonding number up to the neighborhood of 2.5 million dollars.

Question and answer session followed. Commissioner Briggaman inquired about the responsibilities of the Town Treasurer. Mayor Wright replied that there are somewhat limited obligations expected of the Town Treasurer and that the Treasurer does collect a paycheck from the Town.

Commissioner Boorman stated that Mayor Wright ran on a three-point plan during the elections and that one of those points is to make sure that the Charter Revision Commission does consider a budget referendum. He asked what would happen in the event that the members of the Commission should indicate that a budget referendum is not a good idea. He asked whether the Mayor would feel that the decision is inappropriate given his pledge to the voters or would the Mayor act in accordance with what is believed to be in the best interest of the Town. Mayor Wright replied that he would approach the question in a couple of different ways:

- He would look the voters in the eye and say that he tried his best to move the ball down the field further.
- ~~The majority of the folks appointed from the Republican side agree that there should be some type of budget referendum.~~
- *"I would also say that, you know, the majority of the folks that we appointed from the Republican side agree that there should be some type of budget referendum. So we, you know, we asked, just like there's opinions there and everything else, that you know what? We want people that have that same mind set and agree with the same type of philosophy."* (verbatim per Comm. Boorman's request 5/8/08)

Commissioner Boorman inquired as to whether the Republican members of the Commission have already determined that there is going to be a budget referendum. Commissioner Bafundo objected to Commissioner Boorman's question. Commissioner Boorman asked whether Commissioner Bafundo objected to the question or the Mayor's statement. Commissioner Bafundo replied that she objects to both, but she does not believe that it is an appropriate question to ask of the Mayor in respect to the members of this Commission. Commissioner Boorman withdrew his question, stating that it stands on its own. Commissioner Boorman noted that the Mayor's statements are predicated on the fact that if a budget referendum is voted down it is because the voters think that the tax increase is too high, and asked how the Mayor knows what the voters are thinking when they vote something down. Commissioner Boorman suggested that a budget may be voted down by a group of voters for reasons entirely different than tax increase, for example, for the reason that not enough money was attributed to the Board of Education. Mayor Wright replied that it is the voters' right to do so, but that part of the idea of an automatic referendum is that budget referendums are really about taxes and letting people have a say in their dollars. He stated that this is a vision as to what they feel is the right thing to do, but there is no absolute right or wrong. He stated that things have been a certain way for so long and as part of the three-point pledge it is time to do something new – a budget referendum. He stated that the party clearly believes in that, but all they can do is to establish a Charter Revision Commission. He stated that the Republican Councilors have various visions

on what a budget referendum should entail. He strongly encouraged the Commission to include a budget referendum within the Charter revision with whatever details the Commissions feels should be included. He stated that it is democracy at work. Commissioner Boorman stated that this country has a representative form of democracy, not pure democracy in which every American gets to vote on the Federal budget, on a State budget, and in most cases even on a municipal budget. He stated that in representative democracy voters do choose leaders that they trust to make decisions relative to the common good. Mayor Wright stated that nearly half of the towns in the State of Connecticut currently utilize a budget referendum and in the last four years that number has increased by 18%. He stated that this is what the people want. He also disagreed with Commissioner Boorman's statements that budget referendums would undermine the elected officials' decisions. He stated that having more people involved in the process will improve the process. Commissioner Boorman outlined the Mayor's suggestions for the referendum and the automatic approval of a budget with a three percent increase after a second failed referendum. He asked whether it is presumptuous to determine why those referendums were turned down, again giving an example of a group of people voting no for a budget because they want to spend more on an item such as education. He asked why there must be an automatic increase after the second failed vote and asked why the legislative branch cannot make the final budget decision. Mayor Wright replied that he will not try to interpret the reasons for how people vote, but there are two reasons for the proposed cap:

- The single biggest concern of the people about budget referendum is that it can go on for a long time and a simple solution would be to limit the number of referendums to two, as is done in Farmington and West Hartford.
- There needs to be a cap. There have been incidences in other towns in which a referendum has failed twice only to have the Council cut one dollar, or a very small percentage from the budget and approve it. This is not respectful of the will of the people.

Commissioner Boorman noted that the Mayor keeps going back to the assumption that the reason that a referendum is turned down is because people do not want an increase to their taxes, and asked what if people vote against a budget because they want an increase or for other reasons. Mayor Wright replied that if there is a group of people who want more money for education they should elect a Board of Education that represents their thought process and who can sell the Town Council and the voters on a larger increase. He stated that the bottom line is that whenever there is a tax increase greater than the rate of inflation it results in fewer dollars in the taxpayers' pockets and this is a way for the people to have more power in the process.

Commissioner Nafis stated that the concept of budget referendum should and will be debated among the members of the Commission at a later date, however he stated that it might be a better idea to have nine people who know what they are looking at versus a thousand people who have no idea decide the budget. Commissioner Nafis inquired about the bonding issue. He stated that the Mayor is excited about the idea of a budget referendum yet is willing to spend 2.5 million dollars without a referendum and asked whether the Mayor sees a conflict with doing so. Mayor Wright replied that he does not see a conflict with doing so because with the current numbers the Council is modeling most of their expenditures (except for the extremely large expenditures) as pay-as-you-go, which is not fair to the taxpayers who must pay for the expenditures over a very short period of time. Commissioner Nafis again noted that the Mayor would like to raise the limits and inquired as to how the Mayor can be so insistent on having the voters vote on the budget every year, yet allow the Town to spend 2.5 million dollars without a vote. Mayor Wright replied that the bottom line is that whatever the bond amount it will still be in the budget that is ultimately voted on. He stated that he is in the financial modeling business and in his experience he believes that given the current interest rate environment the Town would be far better off bonding. Commissioner Nafis stated that he is not disagreeing with the Mayor, but stated confusion that the Mayor wants the people to vote on the budget but yet wants the Town to spend other money without a vote. He agreed that the money is in the budget to be voted on but echoed Commissioner Boorman's concerns that we don't know why people vote for or against a budget. Mayor Wright replied that the ultimate process for better government is for more people to be involved in the final decision. He stated that changing the bonding limit is far second in importance to the issue of the budget referendum and that people should have the right to vote on the budget without a petition. He stated that having a referendum with the requirement of a petition will be burdensome and that people should have the right to vote on the budget every year.

Commissioner Boorman inquired as to what will happen in regards to the three percent budget increase cap in the event of a change in State mandates in which the Town is put into a situation where it has to go over

the cap in order to address the mandates. Mayor Wright replied that there is no perfect solution and asked how a tax increase would affect senior citizens on a fixed income, homeowners and young families who are just starting out. Mayor Wright stated that the idea is for the taxpayers to have a say in their money and if the concept of a budget referendum does not work out it can be changed again in the Charter.

Commissioner Boorman remarked that a change to the Charter cannot be made in a week or a month and must be done in accordance with State law. He stated that the Mayor has suggested a streamlining of the Charter revision process, however under State law once a Charter is opened the Commission can address any issue it chooses and therefore it is a false promise to the people in terms of the ability to turn around a mistake. He asked the Mayor again what would happen if a State mandate pushes the Town's budget over its three percent cap. Mayor Wright replied that there would have to be cuts made to the budget.

Commissioner Bafundo objected to Commissioner Boorman's questions. Mayor Wright stated that he would address Commissioner Boorman's concerns. He stated that the current tax system gives the homeowners no say in the budget and that the homeowners, who are on their own budgets, do not have the ability to go to their employers to demand a raise to cover the tax increase. He stated that sometimes the government has to make tough decisions. Commissioner Boorman asked whether that is the point of having elections: if one group pushes in the direction that does not reflect the will of the populous that there is an election to determine that outcome. Mayor Wright replied that many people go out to vote at elections just as they would at a budget referendum.

Mayor Wright thanked the Commission for its time, and stated that there is a lot of passion with the issue in that there are many different opinions. He stated that he believes that this is the correct answer and that democracy is about different opinions.

VII ANY OTHER BUSINESS PERTINENT TO THIS COMMISSION

Commissioner Bafundo remarked about an inference that possibly members were appointed to the Charter Commission because of their belief that there should be a budget referendum, and asked Commissioner Boorman if he agreed. Commissioner Bafundo further asked the question whether Commissioner Boorman and Commissioner Nafis were appointed by their Town Committee because they are opposed to a budget referendum. She stated that she takes exception to that question. Commissioner Boorman replied that if Commissioner Bafundo listens to the tape or watches the meeting on TV she will note that it was the current Mayor of Newington who said that she was appointed because of her position on wanting to have a budget referendum before the Commission even met. He stated that Commissioner Bafundo could go ahead and check the tape to find out where that source came from. Commissioner Bafundo stated that they have cleared the air, and that she would not want to misunderstand that question.

VIII WRITTEN COMMUNICATIONS FROM THE PUBLIC

Commissioner Briggaman noted that he has received an email from a member of the public and recalled discussion from a prior meeting as to whether the Commission would read these emails during the meetings. He stated that this particular email is very short. Commissioner Bafundo replied that the Commission is not going to read the email. Commissioner Boorman stated that it is not within Commissioner Bafundo's authority to make such a decision. Commissioner Bafundo replied that as Chair she can make such a decision. Commissioner Boorman disagreed and asked for the opinion of legal counsel. The legal counsel was not present at the time. Commissioner Bafundo stated that the Commission does receive phone calls which they cannot repeat at the meetings. She stated that the Commission can acknowledge emails and the public can review them, but the Commission does not have the responsibility to read the emails verbatim. She stated that much like the limits to public participation it would be wrong to exclude a written communication from having that same restriction. Commissioner Boorman replied that with all due respect the topic being discussed is Commissioner Bafundo sitting at the head of the table telling other Commissioners that they do not have any say. Commissioner Boorman moved to allow the email referred to by Commissioner Briggaman to be read. Commissioner Nafis seconded the motion. Commissioner Bafundo stated that she has already expressed her concern on the matter. Commissioner Briggaman asked whether there is a mechanism for displaying the emails on the Town website for public review. Lori Verreault stated that the emails could be scanned in or forwarded to her to be posted on the site. Commissioner Briggaman stated that it would be a way for the public to see the content of the emails. Commissioner Bafundo inquired

about how the public would be able to see a telephone communication or an in-person communication. She stated that at the Capitol there are numerous written communications that are acknowledged but not read into the record and that those communications are made available to anyone who would like to review them. Commissioner Briggaman requested to see some mechanism in which the emails can be posted on the website for public viewing. Commissioner Nafis stated belief that based on a conversation at the last meeting the Commission had decided to read the short emails and paraphrase the long emails. Commissioner Bafundo stated that the Commission had talked about addressing the item in the future. Commissioner Boorman stated agreement with Commissioner Nafis' statements and added that he feels that the Commission has agreed more than once by consensus to address the matter as it comes along and to encourage rather than discourage public participation. He also remarked that it is interesting that the current Republican Mayor just spoke to the Commission about the need to be more democratic and that the Commission is now hearing from at least one Republican Commissioner that the Commission wants to be less democratic because it does not want to let the public's views be entertained. He stated that it is taking longer to discuss the matter than if would to read the actual email. Commissioner Bafundo replied that Commissioner Boorman is making the matter political by pointing out political affiliations. She stated that in no way will she ever be accused of precluding people from participating in the process. Commissioner Boorman asked if it is time to take a vote on the issue. Commissioner Bafundo stated belief that the Commission has a time limit for the public to speak at a meeting and should be careful about how it affords its time to a long written document. Commissioner Briggaman stated that if emails are posted on the website there will be no need to read the emails at each meeting and asked that the item be tabled until it is determined whether emails can be posted on the website. Ms. Verreault expressed concern about whether or not there are privacy issues with positing emails containing personal information on the website. Commissioner Briggaman stated that it would not be any different from a member of the public addressing the Commission during public participation, in which they give their name and address for the record. Commissioner Bafundo asked if the email contains any questions. Commissioner Briggaman replied that the email was in regards to prior discussion about reading emails at the meetings. The motion to read the email into the record passed 5-0.

Commissioner Briggaman read the email into the record:

Although I did speak to Nancy and Alan after the meeting I feel compelled to register my comments more formally. Having attended several meetings, I have been impressed with the desire of the Commission to elicit input from the public. I was therefore concerned with the discussion at the conclusion of the March 13th meeting. I do feel that emails should be read. If those individuals had been present they would have had two opportunities to express their views. This is their opportunity. Should they be lengthy, perhaps condensing the information or stating the topic and the person's opinion would suffice with it being made clear how a copy of the full text could be obtained. If people care enough to write they should be heard.

Maddie Kenny
53 Crestview Drive

IX PUBLIC PARTICIPATION

William Reynolds, 116 Sterling Drive: Mr. Reynolds stated that there is at least one cantankerous issue to be considered by the Commission, and that such items can be set as a separate vote from the more technical items. He recommended that the Commission do so. Commissioner Nafis asked whether the Council decides how the items go to vote. Mr. Reynolds replied that it is the Council that makes the decision, but the Commission can recommend the separate votes.

Myra Cohen, 42 Jeffrey Lane: Mrs. Cohen stated that the position of the Town Planner goes back to the days of it being a part-time position and it just stayed as an appointment of the Council when it became a full-time position. She stated that the Parks and Recreation Board preceded the Charter. She stated that it is a huge Board and it would not accept being reduced. Mrs. Cohen stated that the Board of Parks and Recreation feels that it is in charge of who would be Superintendent of the department and that the Town ran into trouble recently as a result of the Board having to concur with the appointment of the Superintendent.

She requested that the Commission consider removing that concurrence from the Board. Mrs. Cohen stated in regards to emails that not everyone is willing to go to the website to review email communications and she does not see a problem with reading an email into the record. She stated that there are times when members of the public may not be available to speak during public participation and by not reading the emails the Commission is doing a disservice to the public. She stated that phone calls are made to one person but emails and other written communications are meant for the entire Commission.

Mike Rosenkrantz, NCTV 14. The speaker suggested a compromise for written communications in that emails are subject to the same three minute time limit as spoken public participation and that if the length of the email exceeds three minutes that the email is summarized in the meeting but displayed in its entirety either on the website or in the minutes.

Kristine Nasinnyk, 50 Theodore Street: Mrs. Nasinnyk stated that the current meeting had an exciting agenda with a variety of past Town representatives and that their insight is very valuable. She noted however that the Town has never had a budget referendum under the current Charter and recommended that future speakers include representatives and input from towns that have had budget referendums.

X COMMENTS BY COMMISSIONERS

Commissioner Boorman noted that the Commission does not currently impose a time limit on speakers during public participation and referenced past conversations in which the Commission had decided the matter would be addressed in the future should the Commission deem it necessary. Commissioner Briggaman asked whether a time limit should be entertained, noting that the Town Council currently has such a limitation.

Commissioner Briggaman moved that the Commission establish a three minute time limit on public participation. Motion seconded by Commissioner Boni. Commissioner Boorman noted that given that the Commissioners are currently at the Comments by Commissioners portion of the agenda it would be appropriate to add the item to a future agenda. The Commissioners agreed. Commissioner Briggaman withdrew the motion. Commissioner Boni withdrew the second.

Commissioner Bafundo remarked on the incredible speakers who have enlightened the Commission. She stated all Commissioners have particular knowledge and are dedicated to serving the Town. She stated that as an individual she values everyone's time in being here and everyone's dedication to the process. She requested that the Commission remember and respect that the speakers brought before the Commission are also donating their precious time to be here. Commissioner Bafundo stated that it is good to have dialogue and to question the speakers but it can be done without commentary and the projection of one's own beliefs on that individual's points. She noted that she comes into the process with an open mind and that the debates will come later and decisions will be made based on all information and feedback gathered. She stated that acting in a negative manner towards any speaker or Commissioner is not a positive thing to do, and that while it is hard to put personal and political beliefs aside it must be done in order to create the best product for the Town. Commissioner Boorman agreed with Commissioner Bafundo's comments and stated that the purpose of the Commission is to pull out as much information as possible in order to create a product that makes sense. He stated that he takes Commissioner Bafundo and every other Commissioner at their word that they don't come into the process with a closed mind, and that they do come into the process to ultimately make decisions that are in the best interest of the Town of Newington. Commissioner Briggaman thanked the Commissioners for their comments.

XI ADJOURNMENT

Commissioner Boni moved to adjourn the meeting at 8:59pm. Motion seconded by Commissioner Briggaman.

Motion passed 5-0.

Respectfully Submitted,

Mrs. Jaime Trevethan
Clerk – Charter Revision Commission